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10 *Attorneys for Defendants*  
11 Netflix, Inc., and  
12 Netflix Worldwide Entertainment, LLC

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**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**

FIONA HARVEY,

13 Plaintiff,

14 v.

15 NETFLIX, INC., and NETFLIX  
16 WORLDWIDE ENTERTAINMENT,  
17 LLC,

18 Defendants.

Case No. 2:24-cv-04744-RGK-AJR

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**DEFENDANTS' APPLICATION FOR  
LEAVE TO FILE DOCUMENTS IN  
SUPPORT OF DEFENDANTS'  
SPECIAL MOTION TO STRIKE  
UNDER SEAL**

Hon. R. Gary Klausner

1                   TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2                   PLEASE TAKE NOTICE that, pursuant to Local Rule 79-5.2.2(a),  
 3 Defendants Netflix, Inc. and Netflix Worldwide Entertainment, LLC (collectively,  
 4 “Defendants” or “Netflix”) hereby apply for leave to file under seal documents in  
 5 support of Netflix’s Special Motion to Strike.

6                   The common law right of access to judicial proceedings “is not absolute and  
 7 can be overridden given sufficiently compelling reasons for doing so.” *Foltz v. State*  
 8 *Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003). Documents may be  
 9 sealed when the compelling reasons for doing so outweigh the public’s right of  
 10 access. *EEOC v. Erection Co.*, 900 F.2d 168, 170 (9th Cir. 1990). “The Ninth  
 11 Circuit has held that compelling reasons exist to keep personal information  
 12 confidential to protect an individual’s privacy interest and to prevent exposure to  
 13 harm or identity theft.” *Activision Publ’g, Inc. v. EngineOwning UG*, 2023 WL  
 14 2347134, at \*1 (C.D. Cal. Feb. 27, 2023) (citing *Foltz*, 331 F.3d at 1134; *Kamakana*  
 15 *v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006)); *see also Stiner v.*  
 16 *Brookdale Senior Living, Inc.*, 2022 WL 1180216, at \*2 (N.D. Cal. Mar. 30, 2022)  
 17 (courts “routinely find compelling reasons to seal personally-identifying information  
 18 that has minimal relevance to the underlying causes of action”). In addition,  
 19 “‘compelling reasons’ sufficient to outweigh the public’s interest in disclosure and  
 20 justify sealing court records exist when such ‘court files might have become a  
 21 vehicle for improper purposes,’ such as the use of records to gratify private spite,  
 22 promote public scandal, circulate libelous statements, or release trade secrets.”  
 23 *Kamakana*, 447 F.3d at 1179 (quoting *Nixon v. Warner Commc’ns, Inc.*, 435 U.S.  
 24 589, 598 (1978)).

25                  Defendants respectfully request that Exhibits 1-41, 43-51, and 53-60 to the  
 26 Declaration of Richard Gadd in Support of Netflix’s Special Motion to Strike (the  
 27 “Gadd Exhibits”) and Exhibit 7 to the Declaration of Laura Wray in Support of  
 28 Netflix’s Special Motion to Strike (the “Wray Exhibit”) be filed under seal because

1       (i) the Gadd Exhibits contain personally identifiable information of Richard Gadd  
 2 (“Gadd”) and other third parties whose privacy interests are implicated, and (ii) the  
 3 Gadd Exhibits and the Wray Exhibit contain personally identifiable and/or private  
 4 information of third parties which, if made public, and in light of the high-profile  
 5 nature of this dispute, “might [] become a vehicle for improper purposes,” including  
 6 “to gratify private spite,” “promote public scandal,” and/or “circulate libelous  
 7 statements.” *See Declaration of Marvin S. Putnam in Support of Defendants’*  
 8 *Application for Leave to File Documents in Support of Defendants’ Special Motion*  
 9 *to Strike at ¶¶ 3-12.*

10           Gadd, Laura Wray (“Wray”), and the other third parties’ interest in keeping  
 11 their personally identifiable information and a few other deeply personal and  
 12 otherwise irrelevant pieces of information private is a compelling reason to seal these  
 13 documents that outweighs the public’s interest in disclosure. *See Kamakana*, 447  
 14 F.3d at 1179; *see also United States v. Amodeo*, 71 F.3d 1044, 1050 (2d Cir. 1995)  
 15 (“privacy interests of **innocent third parties** … should **weigh heavily** in a court’s  
 16 balancing equation”) (emphasis added); *Mendiola v. Regents of Univ. of California*,  
 17 2021 WL 9721281, at \*1 (C.D. Cal. Dec. 1, 2021) (“The Court finds that the  
 18 proposed redactions are narrowly tailored to protect **third-party privacy interests**  
 19 and accordingly finds it appropriate to redact this information as proposed.”)  
 20 (emphasis added); *Opperman v. Path, Inc.*, 2017 WL 1036652, at \*4 (N.D. Cal. Mar.  
 21 17, 2017) (protecting “privacy interests of non-parties” by granting request to seal  
 22 documents containing “names, email addresses, and phone numbers” of non-  
 23 parties); *Altemus v. Amazon.com Servs. LLC*, 2024 WL 1078245, at \*2 (S.D. Cal.  
 24 Mar. 12, 2024) (granting motion to seal private health information). And so is their  
 25 interest in this information not becoming “a vehicle for improper purposes,”  
 26 *Kamakana*, 447 F.3d at 1179, which is especially relevant given that this lawsuit was  
 27 brought by a prolific stalker and harasser. *See generally* Declarations of Richard  
 28 Gadd, Laura Wray, and Craig Seymour in Support of Defendants’ Special Motion

1 to Strike. As filed with this Court, the Gadd Exhibits and the Wray Exhibit contain  
2 limited redactions necessary to protect the privacy of Gadd, Wray, and other third  
3 parties, and to prevent this information from becoming a vehicle for improper  
4 purposes.

5 Accordingly, Netflix request that the Court enter the attached Proposed Order  
6 Granting Netflix's Application for Leave to File Documents in Support of Netflix's  
7 Special Motion to Strike Under Seal.

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9 Dated: July 29, 2024

Respectfully submitted,

10 LATHAM & WATKINS LLP

11 By /s/ Marvin S. Putnam

12 Marvin S. Putnam  
13 Attorneys for Defendants  
14 Netflix, Inc., and Netflix Worldwide  
Entertainment, LLC

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